UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

ARTHUR L. MATHEWS,

CASE NO. 4:11-CV-00362

Plaintiff,

OPINION & ORDER VS.

[Resolving Doc. No. 1, 17]

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On February 18, 2011, Plaintiff Arthur L. Mathews filed a complaint seeking judicial review of the Defendant Commissioner of Social Security's decision to deny him disability benefits. [Doc. 1.] The matter was referred to Magistrate Judge Nancy A. Vecchiarelli pursuant to Local Rule 72.2, and subsequently to Magistrate Judge Burke. On December 22, 2011, Magistrate Judge Burke issued a Report and Recommendation recommending that this Court affirm the Commissioner's decision. [Doc. 17.]

The Federal Magistrates Act requires a district court to conduct a de novo review only of those portions of a Report and Recommendation to which the parties have made an objection. 28 U.S.C. § 636(b)(1)(C). Parties must file any objections to a Report and Recommendation within fourteen days of service. *Id.*; Fed. R. Civ. P. 72(b)(2). Failure to object within this time waives a party's right to appeal the magistrate's report. Thomas v. Arn, 474 U.S. 140, 145 (1985); United Case: 4:11-cv-00362-JG Doc #: 18 Filed: 02/03/12 2 of 2. PageID #: 640

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Gwin, J.

<u>States v. Walters</u>, 638 F.2d 947, 949-50 (6th Cir. 1981). Absent objection, a district court may adopt the magistrate judge's report without review. <u>See Thomas</u>, 474 U.S. at 149.

In this case, neither party has objected to the Magistrate Judge's recommendation. Accordingly, the Court **ADOPTS** in whole Magistrate Judge Burke's Report and Recommendation and incorporates it fully herein by reference, and **DISMISSES** Plaintiff Mathews' complaint.

IT IS SO ORDERED.

Dated: February 3, 2011 s/ James S. Gwin

JAMES S. GWIN UNITED STATES DISTRICT JUDGE